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OFFICE OF PETITIONS

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Houston, TX 77055

In re Patent No. 6,750,864

Issue Date: June 15, 2004

Application No. 09/713,674

Filed: November 15, 2000

Attorney Docket No. 95626/04UTL

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ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed August 20, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision **must** be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This patent expired on June 15, 2012 for failure to pay the 7.5 year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition under 37 CFR 1.378(c) is properly submitted.

However, a petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition fails to satisfy requirements (2) and (3) set forth above.

With respect to requirement (2), the required 7.5 year maintenance fee of \$1,425.00 has not been submitted.

With respect to requirement (3), the required surcharge of \$1,640.00 has not been submitted.

To date, petitioner has submitted \$930.00. Any request for reconsideration must include the petition fee of \$400.00 set forth at 37 CFR 1.1(f), the required surcharge set forth at 37 CFR 1.20(i)(2), currently \$1,640.00, and the fee required at 37 CFR 1.20(f), currently \$1,425.00, less the monies previously submitted. Petitioner is reminded to review the USPTO current fee schedule prior to submission of any request for reconsideration to ensure that the correct fees are submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
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 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
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Telephone inquiries should be directed to the undersigned at (703) 571-3205.

/ALESIA M. BROWN/

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